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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,072	02/16/2001	Moshe Benyami	70207	3067

22242 7590 02/12/2002

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EXAMINER

CHAMBERS, TROY

ART UNIT PAPER NUMBER

3641

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,072

Applicant(s)

BENYAMI ET AL.

Examiner

Troy Chambers

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. FR2526535 issued to Michel. Michel discloses a ballistic armor panel 10, comprising: a carrying board 11 made of metal and formed with a plurality of apertures 12, each aperture receiving a body 13 of ceramic.
3. With respect to claim 1, Michel discloses applicants as described above.
4. With respect to claim 2, see Fig. 2.
5. With respect to claim 3, see Figs. 1 and 2.
6. With respect to claim 5, see Fig. 1.
7. With respect to claim 6, refer to any of the figures that disclose apertures formed with an annular rim flush with the face of the carrying board 11.
8. With respect to claim 9, see Fig. 2.
9. With respect to claim 10, Michel discloses apertures 12.
10. Claims 1-5, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4307140 issued to Davis. Davis discloses a ballistic armor panel 9 comprising: a carrying board 13 having a plurality of apertures (fig. 2), each aperture receiving abrasion resistant bodies 10.

Art Unit: 3641

11. With respect to claim 1, applicant's device is anticipated as described above.
12. With respect to claims 2 and 3, see fig. 9.
13. With respect to claims 4 and 5, see fig. 12.
14. With respect to claim 8, refer to col. 6, lines 30-43 (thin adhesive 15 disposed between the carrying board 13 and adjacent surface of bodies 10).
15. With respect to claim 9, refer to figures 2 and 12.
16. With respect to claim 12, Davis discloses a cushioning support 11 located intermediate supportive surface 12 and carrying board 13.
17. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by EPO 0151011 issued to Skelton. Skelton discloses a ballistic armor panel, comprising a steel carrying board 2 formed with a plurality of apertures 1, each aperture receiving a carbide body 1.
18. With respect to claim 1, Skelton anticipates applicant's device as described above.
19. With respect to claim 2, carbide bodies 1 are force fitted into apertures 1 resulting in interference fit (fig. 2).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 0151011 issued to Skelton. Skelton discloses a ballistic armor panel as described above. But, it is the carbide bodies 1 of Skelton that are tapered rather than the apertures as claimed by the applicant. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to taper the holes of the carrying board rather than taper the carbide bodies since both of these configurations are equivalent and would be within the level of one having ordinary skill in the art.

22. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skelton in view of U.S. Patent No. 4841838 issued to Scully et al. ("Scully"). Skelton discloses a ballistic armor panel as described above. But, Skelton does not disclose that the carrying board is attached to an object by fasteners extending through the apertures.

Scully discloses an armor retention mechanism having anti-theft means. Specifically, Scully discloses an armor plate 34 having holes 32 and bolts 34 extending through said holes 32 to attach to a vehicle body 28. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the device of Skelton with the attachment bolts of Scully. The suggestion/motivation for doing so would have been to provide an anti-theft element to the Skelton device. (Scully, col. 1, ll. 13-33).

23. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies. Davies discloses a ballistic armor panel as described above. But Davies discloses the wall thickness between adjoining apertures to be 1/16" to 1/8" (1.59mm to 3.18mm) and not .5 to 1mm as claimed by the applicant. However, at the time of the invention, it

Art Unit: 3641

would have been obvious to one having ordinary skill in the art to use the wall thickness as claimed by the applicant, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Scully, Auyer, Cytron, Norton, Semple, Cohen, Dunn and Vives are cited as of interest to show similar ballistic armor panels.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER